

REMARKS

This Amendment is being filed in response to the Office Action mailed August 28, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-8 remain in this application.

By means of the present amendment, claims 1-8 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A', and changing "characterized in that" to --wherein--. Claims 1-8 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-4, 6 and 8 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,137,230 (Born). Claim 5 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Born in view of U.S. Patent No.

4,941,743 (Hadeishi). Further, claim 7 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Born in view of U.S. Patent No. 4,742,268 (Caruso). It is respectfully submitted that claims 1-8 are patentable over Born, Hadeishi and Caruso for at least the following reasons.

Born is directed to a metal halide lamp that includes the following quantities of constituents in $\mu\text{moles}/\text{cm}^3$, as specifically recited on column 2, lines 20-23:

ZnI_2 0-20 and NaI 20-200.

In stark contrast, the present invention as recited in independent claim 1, amongst other patentable elements, recites (illustrative emphasis provided):

wherein at least a portion of the zinc and at least a portion of the halogen are present as zinc halogenide in an amount greater than further halogenides.

Instead of having a zinc halogenide in an amount greater than further halogenides, Born discloses that the amount of ZnI_2 is less than or equal to the amount of NaI . Hadeishi and Caruso are cited to allegedly show other features and do not remedy the deficiencies in Born.

Accordingly, it is respectfully submitted that independent claim 1 is allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-8 should also be allowed at least based on their dependence from independent claim 1.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

PATENT

Serial No. 10/552,811

Amendment in Reply to Office Action mailed on August 28, 2007

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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